

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Applications 15846,  
15847, 15848, 15909, 16305, 17087,  
18469, 18820, 18824, 19086, 19087,  
20376, 20388, 20809, and 20915 to  
Appropriate from Colusa Basin Drainage  
Canal, Yolo By-Pass and Various  
Contributory Drainage Channels in Yolo  
County

*amended by  
attached order  
dated 10-29-64*

Decision D 1190

ADOPTED AUG 18 1964

DECISION APPROVING APPLICATIONS IN PART

Applications 15846, 15847, 15848, 15909, 16305, 17087, 18469, 18820, 18824, 19086, 19087, 20376, 20388, 20809, and 20915 having been filed; protests having been received; a public hearing having been held before the State Water Rights Board in Sacramento, California, on November 26, 1963, conducted by Board Members Ralph J. McGill, presiding, and William A. Alexander; applicants and protestants having appeared and presented evidence; the evidence at the hearing having been duly considered, the Board finds as follows:

1. Applications 15846, 15847, 15848, and 15909 of Thornton S. Glide failed to correctly state points of diversion and places of use and applicant was given leave to petition for amendment of the applications. These applications will be the subject of a later decision following the filing of, and action

upon, the petitions. The essential features of the remaining applications are set forth in Table 1.

2. The source of water under Applications 18469, 20809, and 20915 is the Colusa Basin Drainage Canal and its various branches which collect return flows from lands along the west side of the Sacramento Valley, extending from the vicinity of Hamilton City on the north to Knights Landing on the south.

On November 21, 1963, a petition was filed by the applicant to change the point of diversion described in Application 18469 from a point located 5,377.2 feet east and 76 feet south of the corner common to Sections 18 and 19, T14N, R1W, of Sections 13 and 24, T14N, R2W, MDB&M, to a point approximately 2,700 feet downstream located 838 feet, more or less, due east from the northeast corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 19, T14N, R1W, MDB&M. The change will not operate to the injury of any legal user of the water involved and should be approved.

3. The source under Application 16305 is backwater from the Sacramento River, although the actual point of diversion is located on the Colusa Basin Drainage Canal.

4. The sources of water under the remaining applications are channels within the Yolo By-Pass, which contain water derived either from drainage of adjacent land, overflow from Knights Landing Ridge Cut, which is an extension of the Colusa Basin Drainage Canal, or from the Sacramento-San Joaquin Delta through tidal action by way of Cache Slough and East Borrow Pit Yolo By-Pass.

TABLE 1

DATA FROM APPLICATIONS FOR APPROPRIATION OF UNAPPROPRIATED WATER  
FROM COLUSA BASIN DRAINAGE CANAL, YOLO BY-PASS, AND VARIOUS DRAINAGE CHANNELS

Applica- tion Number	Applicant	Source	Direct diver- sion rate (cfs)	Season	Purpose
16305	Knights Landing Ridge Cut Water Users' Association	Colusa Basin Drainage Canal	200.00	4/1-6/30	Irrigation
17087	James Iriart	East Borrow Pit Yolo By-Pass	7.88	3/1-11/30	Irrigation and stockwatering
18469	Wilber B. Jensen, et al.	Main Canal Reclamation District No. 2047	8.00	3/15-10/1	Irrigation
18820	Armand Stow, et al.	East Borrow Pit Yolo By-Pass	1.50 (a)	9/1-10/31	Recreation
18824	Ethel Whiting	East Borrow Pit Yolo By-Pass	1.50 (a)	9/1-11/1	Recreation
19086	Florence R. and Lillian E. Swanston	Tule Canal	10.00	4/15-10/15	Irrigation
19087	Florence R. and Lillian E. Swanston	Tule Canal	30.00	4/15-10/15	Irrigation
20376	Florence R. Swanston, et al.	Unnamed Drain and Tule Canal	50.00	4/1-9/30	Irrigation

TABLE 1 (Contd.)

DATA FROM APPLICATIONS FOR APPROPRIATIONS OF UNAPPROPRIATED WATER  
FROM COLUSA BASIN DRAINAGE CANAL, YOLO BY-PASS, AND VARIOUS DRAINAGE CHANNELS

Applica- tion Number	Applicant	Source	Direct diver- sion rate (cfs)	Season	Purpose
20388,	Lucky Five Farms	West Cut Sacramento Yolo Port District Toe Drain	6.00 (b)	3/1-1/15	Irrigation and recreation
20809	Thomas M. and Betty J. Gordon	Central Drain	2.80	4/1-1/31	Irrigation
20915	Thomas M. and Betty J. Gordon	Central Drain	2.50	4/1-1/31	Irrigation

(a) Also 160 acre-feet per annum by storage.

(b) Also 100 acre-feet per annum by storage to be collected  
between October 1 and January 15 at maximum rate of  
6000 gpm.

5. The projects contemplated by Applications 17087, 18820, 19086, 19087, and 20376 are substantially complete.

6. The record of flows of the Colusa Basin Drainage Canal measured at its outfall gates into the Sacramento River at Knights Landing for the period 1943-1951 shows that water is physically present in excess of uses by existing diverters from the canal and its tributaries. Water is also physically present and in excess of the requirements of prior diverters at the points of diversion within the Yolo By-Pass described in the applications.

7. Board's Decision D 990 approved certain applications by the protestant United States Bureau of Reclamation to appropriate from the Sacramento River and Delta for a portion of its Central Valley Project, of which Shasta Dam is the main feature. This decision provided that permits issued on applications for use of water beyond the Sacramento-San Joaquin Delta as therein defined or outside of the Sacramento River Basin be subject to rights initiated by applications for use within said basin and Delta, without regard to the date of filing such applications. The question remains whether or not with this priority considered there exists unappropriated water to satisfy the subject applications.

8. For the purpose of water supply studies the Sacramento River has been divided into three reaches, as follows: Reach 1, Keswick to Knights Landing; Reach 2, Knights Landing to Sacramento; and Reach 3, the Delta below Sacramento. Applications 16305, 18469, 20809, and 20915 are in hydraulic continuity with Reach 2, and Applications 17087, 18820, 18824, 19086, 19087, 20376, and 20388 are in hydraulic continuity

with Reach 3 (Staff Exh. 9). The existence of unappropriated water to satisfy these applications depends upon the existence of unappropriated water in these two reaches of the Sacramento River and Delta.

9. An analysis of the available water supply in the Sacramento River based on a cooperative study by the Department of Water Resources, protestant Bureau of Reclamation and Sacramento River and Delta Water Association (Staff Exh. 5), "Central Valley Project Operation Study, Shasta Reservoir Operation," (Staff Exhs. 7 and 8) shows that water surplus to local rights and the Bureau's requirements within the Sacramento River Basin does not occur in Reaches 2 and 3 of the Sacramento River during the months of July and August in sufficient quantities to justify approval of the applications for these months. Surplus water occurs during the balance of the diversion seasons designated in the applications.

10. There is unappropriated water available to supply the applicants from March through June and from September through January, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

11. The intended uses are beneficial.

From the foregoing findings the Board concludes that the applications should be approved in part and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Applications 16305, 18820, and 18824 be, and the same are, approved, and that Applications 17087, 18469, 19086, 19087, 20376, 20388, 20809, and 20915 be, and the same are, approved in part, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated under the permit issued pursuant to Application 16305 shall be limited to the amount which can be beneficially used and shall not exceed 200 cubic feet per second (cfs) to be diverted from about April 1 to about June 30 of each year.

2. The amount of water appropriated under the permit issued pursuant to Application 17087 shall be limited to the amount which can be beneficially used and shall not exceed 7.88 cfs to be diverted from about March 1 to about June 30 and from about September 1 to about November 30 of each year.

3. The amount of water appropriated under the permit issued pursuant to Application 18469 shall be limited to the amount which can be beneficially used and shall not exceed 8 cfs to be diverted from about March 15 to about June 30 and from about September 1 to about September 30 of each year.

4. The amount of water appropriated under the permit issued pursuant to Application 18820 shall be limited to the amount which can be beneficially used and shall not exceed 1.5 cfs by direct diversion and 160 acre-feet per annum by storage from about September 1 to about October 31 of each year.

5. The amount of water appropriated under the permit issued pursuant to Application 18824 shall be limited to the amount which can be beneficially used and shall not exceed 1.5 cfs by direct diversion and 160 acre-feet per annum by storage from about September 1 to about October 31 of each year.

6. The amount of water appropriated under the permit issued pursuant to Application 19086 shall be limited to the amount which can be beneficially used and shall not exceed 10 cfs from about April 15 to about June 30 and from about September 1 to about October 15 of each year.

7. The amount of water appropriated under the permit issued pursuant to Application 19087 shall be limited to the amount which can be beneficially used and shall not exceed 30 cfs from about April 15 to about June 30 and from about September 1 to about October 15 of each year.

8. The amount of water appropriated under the permit issued pursuant to Application 20376 shall be limited to the amount which can be beneficially used and shall not exceed 50 cfs to be diverted from about April 1 to about June 30 and from about September 1 to about September 30 of each year.

9. The amount of water appropriated under the permit issued pursuant to Application 20388 shall be limited to the amount which can be beneficially used and shall not exceed 6 cfs by direct diversion to be diverted from about March 1 to about June 30 of each year and from about September 1 of each year to about January 15 of the succeeding year and 100 acre-feet per annum by storage to be collected from about October 1 of each year to about January 15 of the succeeding year at a maximum diversion rate of 6,000 gallons per minute.

10. The amount of water appropriated under the permit issued pursuant to Application 20809 shall be limited to the amount which can be beneficially used and shall not exceed 2.8 cfs by direct diversion to be diverted from about April 1 to about June 30 of each year and from about September 1 of each year to about January 31 of the succeeding year.

11. The amount of water appropriated under the permit to be issued pursuant to Application 20915 shall be limited to the amount which can be beneficially used and shall not exceed 2.5 cfs by direct diversion to be diverted from about April 1 to about June 30 of each year and from about September 1 of each year to about January 31 of the succeeding year.

12. In respect to Applications 16305, 17087, 18469, 19086, 19087, 20376, 20388, 20809, and 20915 which are expressly for, or include, irrigation as a use, the equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

13. The maximum amount herein stated may be reduced in the license if investigation warrants.

14. Collection of water to storage to offset evaporation and seepage losses or for any other purpose is not authorized during the period from about January 16 to about September 30 of each year under the permit issued pursuant to Application 20388 and from about November 1 of each year to about August 31 of the succeeding year under the permits issued pursuant to Applications 18820 and 18824.

15. Actual construction work under Applications 16305, 18469, 18824, 20388, 20809, and 20915 shall begin on or before

December 1, 1964, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

16. Complete application of the water to the proposed use under all of the applications shall be made on or before December 1, 1967.

17. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

18. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

19. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

IT IS FURTHER ORDERED that the petition to change the point of diversion described in Application 18469 to a point 838 feet, more or less, due east from the northeast corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 19, T14N, R1W, MDB&M, be granted.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the            day of            , 1964.

/s/ Kent Silverthorne  
Kent Silverthorne, Chairman

/s/ Ralph J. McGill  
Ralph J. McGill, Member

/s/ W. A. Alexander  
W. A. Alexander, Member

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Canal, Yolo By-Pass and Various  
Contributory Drainage Channels in  
Yolo County

*Approved: October 29, 1964*

ORDER AMENDING DECISION D 1190

To correct typographical and clerical errors in Decision D 1190, adopted by the Board on August 18, 1964, it is ORDERED that said decision be, and it is, amended as follows:

1. On lines 15 and 16 of page 2 and on the last line of page 10, change "NE $\frac{1}{4}$  of the SW $\frac{1}{4}$ " to "NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ."
2. Insert the following paragraph on page 10 following paragraph No. 15:

"Said construction work shall be completed on or before December 1, 1966."

Due to the delay in issuance of permits and in order to comply with Section 1395 of the Water Code which requires that the time specified for commencement of construction work shall not be less than 60 days from the date of the permits, it is ORDERED that the time specified on

line 1 of page 10 be changed from December 1, 1964, to June 1, 1965.

Adopted as the order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, this                    day of                    , 1964.

/s/ Kent Silverthorne  
Kent Silverthorne, Chairman

/s/ Ralph J. McGill  
Ralph J. McGill, Member

/s/ W. A. Alexander  
W. A. Alexander, Member